

**CITY OF LODI
INFORMAL INFORMATIONAL MEETING
"SHIRTSLEEVE" SESSION
CARNEGIE FORUM, 305 WEST PINE STREET
TUESDAY, JANUARY 24, 2006**

An Informal Informational Meeting ("Shirtsleeve" Session) of the Lodi City Council was held Tuesday, January 24, 2006, commencing at 7:00 a.m.

A. ROLL CALL

Present: Council Members – Beckman, Hansen, Johnson, Mounce, and Mayor Hitchcock
Absent: Council Members – None
Also Present: City Manager King, City Attorney Schwabauer, and City Clerk Blackston

B. TOPIC(S)

B-1 "Continued review of draft City Council Protocol Manual"

City Clerk Blackston recalled that the January 10 Shirtsleeve Session review of the draft Protocol Manual had concluded with section 5. Ms. Blackston mentioned that she would add a subsection documenting that Council annually hosts an event to recognize current and retiring members of Council appointed boards, commissions, and committees.

Discussion ensued about the inconsistent practice of recognizing outgoing chairpersons and certain City staff at Council meetings. No change was recommended and consensus was to allow such recognition to occur as requested.

Ms. Blackston stated that she would change the heading of section 6.2 from "Meeting Dates" to "Meeting Location."

Referencing section 6.3b, Ms. Blackston read the following statement, which had originated from the minutes of February 1, 2005, *"If a request is made by a Council Member at a Council meeting, it is suggested that a vote be taken, or an indication through concurrence, that there is an interest by a majority of Council to hear the matter."*

Discussion ensued about the above statement, and it was generally agreed that any member of the Council should be able to request that an item be placed on a City Council agenda; however, staff would not devote time and resources to preparing reports, etc. until after the matter was discussed by Council and a decision made on whether or not to proceed.

In reference to section 6.3m, City Attorney Schwabauer recalled that Council had previously requested that he provide more information on the subject of Council comments on non-agenda items. He reported that the Brown Act states that it is not intended to allow discussion and debate about an item that is within the jurisdiction of the Council. It would be an appropriate time for Council Members to ask that a matter be placed on a future agenda for discussion. He also mentioned that under AB 1234 Council will be required to report (during comments by Council on non-agenda items) on any conference attended and make a brief statement on the substance of what was learned.

City Manager King suggested that the issue of electronic communications also be addressed in the Protocol Manual. He noted that some cities will not accept email comments during council meetings as part of public hearings because identity of the sender cannot be definitively ascertained.

Mr. Schwabauer explained that during quasi-judicial public hearings the Council is acting in the capacity of judges, rather than legislators, and cannot accept comment outside the course of the hearing without disclosing the content. In quasi-judicial hearings, the Council must be impartial and all sides are to have an equal opportunity to present and rebut evidence.

Ms. Blackston noted that the administrative policy related to Council agenda/packets prohibits Council Members from using the Internet or communicating via email during meetings. She also reported that a request to amend resolution 2004-282 will be brought to Council to add ex parte announcements. This will change the procedure for public hearings to allow an opportunity for Council Members to disclose, prior to the opening of a quasi-judicial hearing, any communications they had pertaining to the matter.

Council Member Beckman asked the City Attorney to delineate quasi-judicial hearings on agendas.

Referencing section 6.4d, City Manager King noted that Council is asked not to engage in debate with members of the public during meetings, as it improves decorum and ensures the public an uninterrupted period to make comments. He suggested that factual responses be made by Council and staff following the close of the public comment period.

It was suggested that the Council Protocol Manual be distributed to Council Members on compact disc and posted on the City's website.

Section 7.3, Citizen Complaint Process, was discussed and Mr. King acknowledged that there was no tracking system in place or method of coordinating responses and suggested that the reference be omitted from the Manual. He did feel that complaints should be forwarded to the City Manager's Office. To avoid misunderstandings, Mr. King asked that Council Members communicate requests to him rather than directly to staff members.

Council Member Mounce mentioned that she had her own website to allow her constituents a venue for expressing opinions and asking questions and she inquired whether this would be in violation of the policy, to which Mr. King replied that it would not.

Ms. Blackston stated that she would amend section 7.3 to include the process that the City Clerk's Office uses when communications are received for the City Council.

In reference to section 8.5, Mr. Schwabauer explained that he represents the City through its elected body and does not represent individual Council Members. If a Council Member requests conflict of interest advice from him, the information is public and will be shared with the remainder of the Council. Mr. Schwabauer noted that his informal opinions in such matters are not a defense to prosecution from the Fair Political Practices Commission (FPPC). The only defense would be a formal written opinion from the FPPC.

C. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

None.

D. ADJOURNMENT

No action was taken by the City Council. The meeting was adjourned at 8:38 a.m.

ATTEST:

Susan J. Blackston
City Clerk